

REMARKS-General

1. The applicant respectfully submits that the present application is a division of Application No. 10/150,739, filed May 17, 2002. Accordingly, a later application for a distinct or independent invention, carved out of a pending application and disclosing and claiming only subject matter disclosed in an earlier or patent application is known as a divisional application or "division". The present application is a division of the parent application, application No. 10/150,739, because the disclosure of the present application is the same as the disclosure of the parent application, i.e. no new matter has been included. In addition, the patent application may contain one or more subject matters particularly pointing out and claiming at the independent claims and/or dependent claims. Therefore, without including any new matter, the present invention, which carves out of the parent application and discloses and claims the subject matter disclosed in the parent application, should be a divisional application.

2. The amended independent claim 1 incorporates all structural limitations of the original claim 1 and includes further limitations previously brought forth in the disclosure. No new matter has been included. All claims 1-2 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Response to Rejection of Claims 1-2 under Obviousness Double Patenting

3. The applicant submits a terminal disclaimer herewith, in compliance with 37CFR1.321(c), to disclaim the terminal part of the statutory term of any patent granted on instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,715,900 and 6,922,018, in order to overcome the rejection of the claims 1-2 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 42 of the U.S. Patent No. 6,715,900 and claims 1-2 of the U.S. Patent No. 6,922,018.

Regarding to Rejection of Claims 1-2 under 35USC102

4. The Examiner rejected claims 1-2 as being anticipated by Ruskouski (US 5,655,830). Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

5. In view of 35 U.S.C. 102(b), it is apparent that a person shall not be entitled to a patent when his or her invention was patent in this country more than one year prior to the date of the application for patent in the United States.

6. However, the Ruskouski patent and the instant invention are not the same invention according to the fact that the independent claim 1 of the Ruskouski patent does not read upon the instant invention and the independent claim 1 of the instant invention does not read upon the Ruskouski patent too. Apparently, the instant invention, which discloses a light source arrangement, should not be the same invention as the Ruskouski patent which discloses a lighting device.

7. Ruskouski fails to anticipate the distinctive features as follows:

(a) In claim 1, "a supporting frame, which is made of good heat conduction material, having at least a dissipating end and a peripheral surface provided thereon" is claimed, wherein Ruskouski merely teaches a tube 22 made of glass or plastic material having an interior cavity and a vent hole 33 for heat dissipation and/or ventilation.

(b) In claim 1, "a circuit provided on the peripheral surface of the supporting frame and electrically connected with the electric input adapter" is claimed, wherein Ruskouski merely teaches a lighting circuit 34 is provided within the enclosure of the tube 22 without any mention of any circuit provided on the peripheral surface of the supporting frame. It is worth to mention that the light circuit 34 of Ruskouski is NOT provided on the peripheral surface of the tube 22. The tube 22 of Ruskouski functions as a casing to protect the light emitting diode therein. In other words, the supporting frame of the instant invention is not equivalent to the tube 22 of Ruskouski.

(c) In claim 1, "at least a luminary element having two terminal electrodes electrically connecting to the circuit" is claimed for emitting light when the terminal electrodes are electrified, wherein Ruskouski merely teaches the mounting base having a first electric terminal and a second electric terminal.

Accordingly, the circuit is provided on the peripheral surface of the supporting frame such that the luminary element is supported by the supporting frame to electrically couple with the circuit. However, Ruskouski merely teaches a first plurality of series connected light emitting diodes connected in parallel with a second plurality of series connected light emitting diodes. Therefore, the lighting device of Ruskouski, in column 4, lines 23-25, requires two parallel stings, 35, 36 to electrically connect with the light emitting diodes.

(d) In claim 1, "the luminary element is mounted on the peripheral surface of the supporting frame such that the supporting frame is adapted for transmitting and dissipating heat from the luminary element at the dissipating end" is claimed, wherein Ruskouski merely teaches a plurality of light emitting diodes positioned within the enclosure and electrically connected between the first and second electrical terminals. In other words, the tube 22 is not a heat conduction media to transmit and dissipate the heat from the light emitting diodes.

8. In claim 2, "one terminal electrode of the single bonded diode is electrically connected to the supporting frame while another said terminal electrode is electrically connected to the circuit" is claimed, wherein Ruskouski merely teaches the first and second series connected light emitting diodes are electrically connected to the parallel stings, 35, 36 respectively.

Accordingly, applicant believes that the rejection of claims 1-2 is improper and should be withdrawn.

The Cited but Non-Applied References

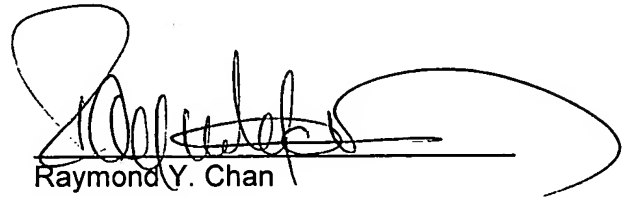
9. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

10. A check in an amount of US\$65.00 is submitted herewith to pay the terminal disclaimer. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 502111.

11. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 1-2 at an early date is solicited.

12. Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

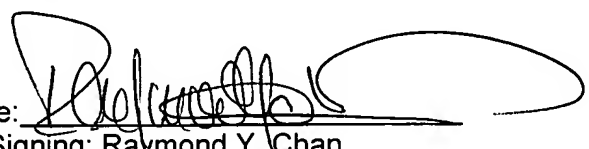


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CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 12/07/2005

Signature: 
Person Signing: Raymond Y. Chan